UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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TREELINE 900 STEWART PARTNERS, LLC,

Plaintiff,

vs

RAIT ATRIA, LLC, RAIT PARTNERSHIP, L.P., RAIT GENERAL, INC. AND 990 STEWART AVENUE INVESTORS LLC,

Defendant.

990 STEWART AVENUE INVESTORS LLC,

Interpleader Plaintiff,

vs.

TREELINE 990 STEWART PARTNERS LLC, RAIT ATRIA, LLC, RAIT PARTNERSHIP, L.P. and RAITT GENERAL, INC.,
---X

NOTICE OF CROSS-MOTION

Case No. 10-cv-5234 (JS)(ETB)

PLEASE TAKE NOTICE that upon the declarations of Michael I. Schor dated January 28, 2011, together with the exhibit annexed thereto, and all the pleadings heretofore had herein, defendant and interpleader plaintiff 990 Stewart Avenue Investors LLC ("990 SAI") will cross-move this Court before the Honorable Joanna Seybert, United States District Court for the Eastern District of New York, at the Federal Building and Courthouse located at 1044 Federal Plaza, Central Islip, New York 11722 at the time the motion of defendants RAIT ATRIA, LLC, RAIT PARTNERSHIP, L.P. and RAIT GENERAL, INC. to dismiss the complaint and for other relief is to be heard, for an Order, pursuant to FRCP 67, directing 900 SAI to pay the monthly interest payments at issue in the instant litigation into this Court and to make all financial reporting only to the Court pending the outcome of this action.

PLEASE TAKE FURTHER NOTICE that opposition papers shall be served in accordance with Federal Rules of Civil Procedure and the Local Rules of this Court.

Dated: Garden City, New York
January 28, 2011

SCHLISSEL OSTROW KARABATOS, PLLC
Attorneys for Plaintiff

By: STEPHEN W. SCHLISSEL
E-mail: sschlissel@soklaw.com
200 Garden City Plaza, Suite 301
Garden City, New York 11530
(516) 877-8000

TO: Dana B. Klinges
Attorney for Defendant
RAIT ATRIA, LLC
E-mail: dklinges@duanemorris.com
30 South 17th Street
Philadelphia, PA 19103-4196
(215) 979-1000

Suzan Jo
Attorney for Defendant
RAIT ATRIA, LLC
E-mail: sjo@duanemorris.com
1540 Broadway
New York, NY 10036-4086
(212) 692-1000

Richard C. Schoenstein
Robert C. Carrillo
Satterlee Stephens Burke & Burke, LLP
230 Park Avenue
New York, NY 10169
(212) 818-9200
E-mail: rschoenstein@ssbb.com